



Sangguniang Panglungsod

ORDINANCE NO. 06-099

AN ORDINANCE DECLARING LIWASAN NG MGA BAYANI AS FREEDOM PARK IN THE CITY OF MUNTINLUPA.

- Sponsored by:
- Hon. Francis Ian T. Bagatsing
 - Hon. Mario E. Bulay, Jr.
 - Hon. Ma. Luisa Babaran-Echavez, M.D.
 - Hon. Allen F. Ampaya
 - Hon. Rene Carl S. Cayetano
 - Hon. Bal Niefes
 - Hon. Allan Rey A. Camilon
 - Hon. Melchor R. Teves
 - Hon. Atty. Icasiano M. dela Rea
 - Hon. Elmer S. Espeleta
 - Hon. Marissa Cole-Rongavilla
 - Hon. Lucio B. Constantino
 - Hon. Engr. Mamerto T. Sevilla, Jr.
 - Hon. Christian Glenn D. Lorica

WHEREAS, Section 2, Declaration of Policy, of Batas Pambansa Blg. 880, provides that, *"The constitutional right of the people to peaceably assemble and petition the government for redress of grievances is essential and vital to the strength and stability of the State. To this end, the State shall ensure the free exercise of such right without prejudice to the rights of others to life, liberty and equal protection of the law"*;

WHEREAS, Section 15, Freedom Parks of B.P. 880, provides that, *"Every city and municipality in the country shall within six (6) months after the effectivity of this Act establish or designate at least one suitable "freedom park" or mall in their respective jurisdictions which as far as practicable shall be centrally located within the Poblacion where demonstrations and meetings may be held at any time without the need of prior permit"*;

WHEREAS, the Department of Interior and Local Government Memorandum Circular No. 2006-4 directed to all City and Municipal Mayors, Sangguniang Panlungsod/Bayan members, DILG Regional Directors and others concerned, states that *"freedom parks or plazas must be established or designated, through an ordinance, in their respective areas, as mandated by the said Act, otherwise known as "The Public Assembly Act of 1985" duly signed by DILG Secretary Ronaldo V. Puno, and in compliance with the directive of the Supreme Court sustaining the constitutionality of B.P. 880;*

WHEREAS, all public parks or plazas are deemed freedom parks where no prior permit of whatever kind shall be required to hold an assembly thereat, except only for written notices at least two (2) days before the activity to the police and office of the mayor to allow proper coordination, and orderly activities, if the city government fails to designate freedom park;

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WHEREAS, *Liwasan ng mga Bayani* located in Barangay Alabang can be best considered or classified as freedom park and an ideal place to hold public assemblies in the City of Muntinlupa due to its accessibility and conspicuity;

NOW THEREFORE, BE IT ORDAINED, by the Sangguniang Pantungsod of Muntinlupa in session duly assembled the following:

SECTION 1. Title. This Ordinance shall be known as the Freedom Park within the jurisdiction of the City.

SECTION 2. Place. *Liwasan ng mga Bayani* located in Barangay Alabang shall be the freedom park of the City.

SECTION 3. Guidelines. The following guidelines shall be followed:

1. Upon receipt of a written notice for the holding of an assembly or rally in freedom parks, the city mayor shall, pursuant to his operational control over the local PNP, call upon the local chief of police for proper coordination and adoption of measures that would ensure the public safety, peace and order shall not be unduly and unnecessarily affected by the intended assembly/rally in freedom parks. If the written notice is received first by the local police chief, it is his duty to immediately coordinate with the Office of the Mayor to discuss proper coordination in attaining the purpose above stated.
2. The city mayor shall acknowledge the receipt of the written notice which, as may be necessary and imperative, may include the areas of coordination with the organizers of the assembly/rally, such as time and duration of the rally/assembly and such other limitations within the bounds of law, in order to ensure that public safety, peace and order will not be prejudiced.
3. The city mayor is directed to see to it that law enforcement agencies shall not interfere with the holding of public assembly. However, pursuant to Section 9 of B.P. 880, he shall provide an adequate PNP contingent under the command of a responsible officer within the area, at least 100 meters away from the area of activity ready to maintain peace and order at all times, and to suppress any lawlessness or violations of law in order not to cause inconvenience to, or injure or harm the public.

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4. Meeting in one place and then march to the freedom park is not within the coverage of the "no prior permit" rule. Accordingly, the activities made outside the freedom park for the purpose of converging and later on march in going to the freedom park would still require permit from the Office of the Mayor for the use of the public space for converging and use of public streets in going to the freedom park.
5. The PNP Ground Commander shall, upon the start of the rally, immediately coordinate with the rally organizer and to inform the latter the role of the PNP as protector of the safety of the rallyists.
6. Any police officer who, through plain view, sees that any rallyists or any person for that matter has in his possession any firearm or deadly weapon, should immediately accost the offender and bring the latter to the nearest police precinct for investigation. The rally organizer should be notified of the incident.
7. Should violation of laws and ordinances are committed, the police should immediately arrest such offender and bring the latter to the nearest police station with notice to the rally organizer.
8. Should there be impending violence or actual violence, the PNP Ground Commander shall act in accordance with Section 11 of B.P. 880 governing the dispersal of public assembly.
9. Any arrest/s made during a rally should be properly documented and reported to the Office of the Mayor and the Chief of Police.

SECTION 4. Definition of Terms.

- a. **Freedom Park** – refers to a place where public assembly is held.
- b. **Public Assembly** – means any rally, demonstration, march, parade, procession or any other form of mass or concerted action held in a public place for the purpose of presenting a lawful cause of expressing an opinion to the general public on any particular issue, or protesting or influencing any state of affairs whether political, economic or social or petitioning the government for redress of grievances.
- c. **Maximum Tolerance** – means the highest degree of restraint that the military, police and other peace keeping authorities shall observe during a public assembly or in the dispersal of the same.



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d. **Modification of Permit** – shall include the change of the place and time of the public assembly, rerouting of the parade or street march, the volume of loud speakers or sound system and similar changes.

SECTION 5. Repealing Clause. Any other ordinances, rules and regulations which are inconsistent with this Ordinance shall be repealed accordingly.

SECTION 6. Effectivity Clause. This Ordinance shall take effect upon approval.

ENACTED, by the **Fourth (4th) Sangguniang Panlungsod of Muntinlupa** this **9th** day of **August 2006**, on its **16th** Special Session.

CONCURRED:


BAL NIEFES
Councilor


RENE CARL S. CAYETANO
Councilor


ALLAN REY A. CAMILON
Councilor


ELMER S. ESPELETA
Councilor

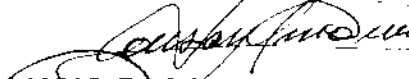

MA. LUISA BABARAN-ECHAVEZ, M.D.
Councilor


FRANCIS IAN T. BAGATSING
Councilor


MELCHOR R. TEVES
Councilor

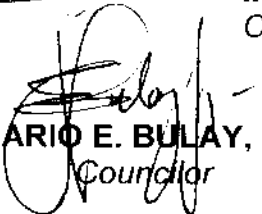
MARISSA COLE-RONGAVILLA
Councilor

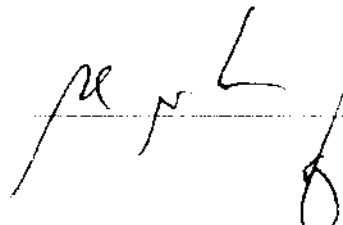

ALLEN F. AMPAYA
Councilor


LUCIO B. CONSTANTINO
Councilor


ATTY. ICASIANO M. DELA REA
Councilor


MAMERTO T. SEVILLA, JR.
Councilor


MARIO E. BULAY, JR.
Councilor





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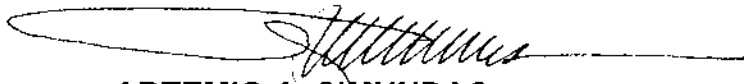

CHRISTIAN GLENN D. LORICA
Sectoral Representative
President, Federation of Sangguniang Kabataan

ABSENT:

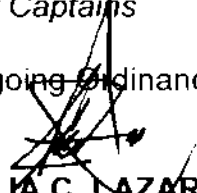
ATTY. RAUL R. CORRO
Councillor

JOSELITO V. AREVALO
Councillor

KEVIN B. DELGADO
Councillor


ARTEMIO A. SIMUNDAC
Sectoral Representative
President, Association of Barangay Captains

I HEREBY CERTIFY, as to the correctness of the foregoing ordinance.


CECILIA C. LAZARTE
Secretary
Sangguniang Panlungsod

ATTESTED:


ALDRIN L. SAN PEDRO
City Vice Mayor/Presiding Officer

APPROVED:


ATTY. JAIME R. FRESNEDI
City Mayor
Date: 08/31/06

PBS, JR.